

COMMITTEE ON LAND USE
(Standing Committee of Berkeley County Council)

Chairman: Mr. Phillip Farley, Council Member District No. 1

A meeting of the **COMMITTEE ON LAND USE**, Standing Committee of Berkeley County Council, was held on **Monday December 14, 2009**, in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at 7:57 p.m.

PRESENT: Chairman Phillip Farley, Council District No. 1; Committee Member Timothy J. Callanan, Council District No. 2; Committee Member Robert O. Call, Jr., Council District No. 3; Committee Member Cathy S. Davis, Council District No. 4; Committee Member Dennis L. Fish, Council District No. 5; Committee Member Jack H. Schurlknight, Council District No. 6; Committee Member Caldwell Pinckney, Jr., Council District No. 7; Committee Member Steve C. Davis, Council District No. 8; County Supervisor Daniel W. Davis, ex officio; Ms. Nicole Scott Ewing, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

Chairman Farley called the meeting to order and asked for approval of minutes for the Land Use meetings held on November 9, 2009 and November 23, 2009.

It was moved by Committee Member Callanan and seconded by Committee Member S. Davis to **approve** the minutes as presented. The motion passed by unanimous voice vote of the Committee.

A. Ms. Mary Ann Luttrell, Re: Mining operations within the Green Bay Community.

Ms. Mary Ann Luttrell stated, "I would like to thank the Council and specifically Mr. Farley for permitting us to speak this evening. I'd like to ask everyone that is here from the Green Bay Community to please stand and thank you all for coming. In respect for your request that we make this brief, there will only be five of us speaking. Mr. Frank Wright will be going first."

Mr. Frank Wright stated, "My name is Frank Wright and I live at 5400 Halfway Creek Road in Huger, South Carolina in the Green Bay Community where this mine is to be constructed. To our County Supervisor Dan Davis and all the other Council people here tonight, it certainly not an honor to be here, but I'm here because I have to be because we have committed ourselves to understanding and accepting some of the things that Berkeley County has provided us for many years and we are here tonight in opposition of a mine in the Green Bay Community, particularly because it is a Flex-1 zoning. Back in 1997 and early on, County Supervisor Jim Rozier and the Planning Committee and folk who came out into the community and expressed a lot of information in reference to how they wanted our county to look. And what was going to happen with the growth and development and certain areas would fall into

certain zoning. And the Green Bay Community falls under the Flex-1 zoning. There are so many residential zonings. As a matter of fact, I don't know them all. I think there is about 10 different residential zonings, RTMM, R-2, R-3, R-4, RS, R-12, R2R, R2RF, R2R15, but ours is Flex-1 zoning. And the Flex-1 zoning is to pretty much protect the rural concept of what Berkeley County is all about. Berkeley County is one of the largest counties in the whole state of South Carolina. In fact, the largest county with a lot of rural concept to it. Many of us live in those types of communities because of choice. We could have lived in Mt. Pleasant, Goose Creek, Hanahan, Daniels Island and other subdivisions and areas, but we choose to live there simply because we understand the character of those communities. That you can have a little farm over here. You can have a horse farm down the street, but at the same time, someone can have a doublewide mobile home and a brick home across the street from each other. This little community don't have the type of infrastructure. We don't have water and sewer to sustain massive commercial type of development. I applaud the county for that. I applaud the county for understanding that the certain types of communities are very different from others. Some of you here that serve on this Council probably live in Flex-1 types of community. I know my Councilman Steve Davis does. When I been in his community and where he lives someone across the street may have a doublewide mobile home. I don't think that affects Steve Davis because he understands his community. I don't want to be very disrespectful of Mr. Thompson and to the Fronts and anybody else that would like to develop in our community. But we also realize that this community is not one that can handle that massive impact that would be placed upon us, our children and everybody else in our community. Thank you Mr. Farley."

Ms. Luttrell inquired, "Barbara, would you like to speak next? So that I am not getting up between them, it is going to be Barbara Ruth, Terry Hamlin, Mr. Nixson and myself."

Ms. Barbara Ruth stated, "My name is Barbara Ruth and I live at 2266 United Drive in Green Bay. I bought a couple of photos here that I think might be a little bit big and I also have some smaller ones that I would like to show yall first. If I can pass these around. This is what our area looks like now. And this is what we are opposed to. As I said, thank you for allowing us to come here tonight and share our concerns with you. My name is Barbara Ruth. My husband, George, and I live at 2266 United Drive in the beautiful Green Bay section of Huger. We are here along with our community to express our concern that the zoning in our neighborhood is under consideration for restructuring in order to allow mining, which as you know, is an industrial application. Our entire community is zoned within the rural residential zoning district. The purpose of these districts is to control public service costs, maintain and enhance the continuity of rural cultures and communities, preserve historic landmarks, protect agricultural, horticultural and forestry from the adverse impact and encroachment of urban and suburban development, protect and enhance the agricultural economy and protect environmentally sensitive areas. Clearly, our zoning was set up in order to maintain the rural character of our community. As I said, I brought some pictures of our homes here, that maybe I can leave up for you to see. And also, some pictures of an existing mining operation. Now, granted, the mining operation that you are looking at is larger than the one that is proposed in our neighborhood. But, we feel that the proposed mine will still have the same effect on our community. And please keep in mind, that when the mine you see before you was first started back in 93, it was not as big as it is now. In fact, the total permitted depth was originally only

going to be 30 feet. And then, according to the permitting, the property was going to be turned into a lake or a pond. As you can see, 16 years later, it is not at least 80 to 90 feet deep and there is no pond or no lake in sight. If an industry such as the proposed mine is permitted in Green Bay, it will change our rural village forever. I don't know where any of you Council Members live, but I'm pretty sure you made your home in places, in areas that you feel are protected by the zoning laws and that a totally incompatible use, an industrial use, would never be permitted next to you homes. I believe that you feel that way because we all use to feel that way too. Because, after all, that is why we have zoning rules and regulations. Please keep our zoning laws in place. Thank you."

Mr. Hamlin stated, "My name is Terry Hamlin. I live at 2286 United Drive in Green Bay. No, my wife did not do this to me. But since she has had to take care of me now for three months, she has threatened the good leg. I know why Council is here. It's not because it's a Monday night and there is a Planning meeting and a Council meeting. It's because you have a desire to serve your community. You have a desire to serve the place in which you live and to make it a better place. That is something that I deeply understand. Many years ago, I went to the Sheriff and I complained about law enforcement in my area. The Sheriff said I have a solution. The solution was a year later, I was strapping on a bullet proof vest and a badge and a gun and I went out to work on my community. I worked for almost six years working to clean that community and the rest of Berkeley County up as well. Berkeley County is vastly improved since that time. We have a similar situation now with zoning. Back in the spring, Council went back and corrected a problem with the zoning. Mines were interpreted as borrow pits early on in Berkeley County's history. That was recognized by Mr. Greenway and by members of Council as being an incorrect interpretation of the mining act. Mines are very specifically defined and the area in which that should go is specifically defined. It should be in an industrial area. We don't have that. Our roads cannot handle 100 – 200 trucks per day. We cannot handle the stress of the noise, the stress of the traffic. And the change in our property values and the quality of life of our area. We don't have any desire to see the mine operators go out of business or not be able to do business whatsoever. In fact, I personally am in a business that is affected by their work, so I actually have something to gain by them actually working. However, there is a time and a place to do the right thing. The right thing in this period is to put these mines where they belong, which is in industrial areas. It's very simple. They area in industrial areas for a reason. Because people don't want to live next to them. And we don't want to live next to a mine. We ask that Council not take up a Task Force, because a Task Force is never needed to do what you know is right in your heart and in your conscience. A Task Force merely kicks the ball down the road. We don't need to do that. What we need to do is for Council to keep what they corrected in place. They corrected an injustice. And now we would like to have that injustice stay corrected. Thank you very much."

Mr. Michael Nick stated, "My name is Michael Nick. I live at 2344 United Drive which is ¼ mile from where the mine proposed to be. That could be my three minutes, but I would like to say that I grew up less than a ½ mile from where the mine supposed to be. Not only that, the small church in my community is on the corner of United Drive and Halfway Creek Road. During our church service, we can hear small cars coming through. We can definitely hear the trucks coming through. If half of what we say is correct in reference to the trucks, we will not be

able to have church service. And the church is less than a ½ mile from where the mine supposed to be. Not only that, but we have one small recreation five acres of land in our community that we use for baseball and recreation. To get to that field, the kids have to walk on the highway. Now it is too crowded for that. They can't walk on the highway. They have to go, they can't walk along side of the highway. They have to walk on personal property in order to get to that recreation site. And that recreation site is not paid for by County. We have to lease some land to do that. We tried to help ourself. And when the County asks us to do something, we do it. We pay our tax. We pay our school tax. We don't complain. But what we need to know from County, how much do we owe? Our kids have to get up at 5:30 in the morning to go to school. The buses on the road. It's no way that could put with those trucks. We already have to sacrifice the mine which is 11.6 miles away from us now on Daniels Island. We are paying our dues. We are doing what we have to do. I too, carry a gun and a badge and I did it for 28 years. But this can't help me now. The only person that we can rely on right now to keep from killing our community is you and that is why we are here tonight. If this mine is passed, it will be the end of Green Bay Community as we know it. When the mine is passed, somebody need to bring us a tombstone and we will put that tombstone at the head of the mine. The tombstone would read, 'There lies the small community of Green Bay'."

Ms. Luttrell stated, "My name again is Mary Ann Luttrell. My husband and I, Bill, have a horse farm at 211 Seahorse Road. We are a directly affected party according to DHEC of this mine. We've had our property there since 2001 and have become very attached to the neighborhood, the community and the neighbors. This situation is nothing short of heartbreaking to us. There is a five mile two-lane road that we travel to get to and from our neighborhood from 41. It is a road that goes through the National Forest. It is treacherous now when you pass a logging truck. If a mine is allowed in our community we will have approximately 200 – 250 dump trucks a day traveling that two-lane road and traveling in our neighborhood. The mortal peril of ourselves, our children, our pets, our livestock, our horses and the wildlife in the area. It would just be absolutely horrific. There are a couple of kinda small, subtle items, maybe not so subtle items, that I would like to address. Obviously I agree with all of the points that my neighbors have made. One is that there has been bantered about a notion that this mine is 'grandfathered' because of some verbal commitments given to the specific mine operator by a former employee of the County. First thing, the definition in the Berkeley County ordinances as it pertains to grandfathering does not legally apply to this case. Secondly, we have been advised by legal counsel that an employee of the County cannot give a verbal assurance to an operator. It is the burden of proof or the responsibility is on the business, a commercial interest, etc. to get that information in writing. Hopefully, we all can agree at this point, that this is a mine and not a borrow pit. Borrow pit is very specific and narrow in its definition and has as a client the Department of Transportation. This is clearly not a borrow pit. A borrow pit is not required to get a permit from the State and a permit has been granted, although we are appealing this permit with DHEC. No one at DHEC seems to be concerned with public safety. They say it is your responsibility. So here we are, placing it back in your lap. As regards to the proposed amendment that is before you this evening, we object to any change in the zoning regulations and we appreciate what you have done earlier this year. We question why at this time the County would endeavor to accommodate a commercial interest at the expense of its citizens and one that is in conflict with its' own Comprehensive Plan. Thank you very much."

Chairman Farley stated, "Thank you for this information and do we have anyone from the mining industry here that would like to speak? Mr. Thompson?"

Mr. Thompson stated, "I didn't realize this would end up being a debate over at the Green Bay mine. I thought we were going to talk about the proposed ordinance. They mentioned the mine on Clements Ferry Road and we are building a mine on Clements Ferry Road. We worked with the City of Charleston. It's in the City of Charleston Industrial Park. We got with Mayor Riley and his group and when we get through with it, it is going to be a 118 acre lake. We are going to dedicate the land in front of it to him for a park. It's got a walking trail around it and have a dock on it. We are building the City of Charleston a park with a good size lake inside it. I don't believe that the Green Bay issue should be debated here. It is going to be settled in the courts. It is be disputed with DHEC in the moment of time. What my intentions are is that I feel like back in the spring that Council responded to the citizens of Green Bay in a knee jerk fashion and tried to design something to solve one problem. And I don't think that you can design an ordinance based upon one situation to cover the county. Reading through this ordinance, there is a good bit that needs to be worked on here and I agree with the people of Green Bay. Areas need to be protected, things need to be set up, but this ordinance here as designed does not cover that. I would recommend that a Task Force or some group be put together or yall look at this a little bit deeper to try and design something a little more that would cover the county, not just one situation. If you would like me too, I'll go through my issues with the ordinance, but it is in depth."

Chairman Farley stated, "I think we will get a copy and give it to each of the Council people. If you will give that to Eric, he'll make sure that each and every one of us have that."

Committee Member Call stated, "Mr. Thompson, we have been presented with two photographs. How large is your operation going to be compared this one?"

Mr. Thompson replied, "It's going to be 40 acres. That is 128 acres in the picture."

Committee Member Call inquired, "Is this one on Clements Ferry Road?"

Mr. Thompson replied, "Yes sir, it is."

Committee Member Call stated, "So we are talking about a place that is about 1/3 the size of this."

Mr. Thompson replied, "That is 110 feet deep, I think it is. 90 feet deep. The one that we are proposing in Green Bay will be 20 feet deep."

Committee Member Call stated, "My only comment is you back to these places years later and I would direct your attention to Highway 17A where it splits off to 61. The sand pits that Murray Sand Company operated. It has turned into a beautiful place. It's an absolutely beautiful recreational area. A little farther away if you wanted to go visit Ridgeville where Mr."

Bert Austin lives. It's an awesomely beautiful thing he has done there with his lakes. Taking the dirt out. I mean it is just outstanding. I don't know if there is anything in our county like it. I'm saying all that to make it a point, that it is not a permanent eyesore. And it's only a eyesore if you are in an airplane at 3,604 feet off the ground."

Mr. Thompson stated, "The requirements are usually sufficiently buffered that you cannot see it from the highway. From the air, it is quite impressive. Mr. Austin is here tonight and he has some pictures of that lake if you would like to distribute them. He's right proud of that lake. We also have some pictures on the screen now of Sewee Preserve where we created a 60 acre lake and where the owner of this piece of property that we have contracted with in Green Bay looked at and this is what he decided he wanted on his property. That's where he made his decision. We are trying to create something similar to that for him. In Mt. Pleasant, the community of Ion and all of the little communities on Rifle Range Road. All of those are built around former if you want to call them mines. They were lakes constructed back in the 80's and 90's. In fact, if you look at the Green Bay area itself, within a mile of our proposed site, there has been five ponds dug in the last 10 years. Look at the aerial photos of 1999 and look at them in 2008, the community has five smaller ponds that have been built in that area for amenities, for looks."

Committee Member Call stated, "I want to congratulate you on this, this is beautiful."

Committee Member Schuriknight stated, "I would just like to make a comment to the group. First thing I want to thank everybody for coming out. This is an issue that is definitely needs to be looked at. I too, understand the rural integrity. I'm from Macedonia, living right out of Moncks Corner. I do have a horse farm out there and enjoy that. I do have a single wide trailer next to my brick house. But that is part of rural Berkeley County, but when you change the zoning around and unless we only permit this in heavy industry, it also brought some innocent people and cause them problems also. There is a guy up on 176 who wants to put in a five acre fish pond. He's in Flex-1 Agricultural, I believe. He's wanting to put in a fish pond on his farm. He can't do it because the zoning isn't right. So he's got to go by where it is now and have it rezoned to heavy industrial out in Lebanon on a farm. So there is some by products, if you will, that came out of this knee jerk reaction. I'll have to agree that I didn't realize what we were creating when we did that zoning thing. I do think we need to look at it thoroughly and look at both sides and try to come up with something close that everybody could come up with. I appreciate the points that you made, Mr. Hamlin on this thing. I would have to disagree a little bit about the Task Force. I think a Task Force is a little more than kicking a ball down the road. Now, I would like to make a motion and if I can get a second on it, we can start discussion on it. I'd like to make a motion that we send this back to the Planning Commission. Also, give the Planning Commission Chairman the authority to create a nine member Task Force. And in that Task Force, I would like to see three Planning Commission people, three concerned citizens to represent the concerned citizens out there in these areas that we are talking about. In all fairness, I would like to see three from the mining industry. This Task Force could come together and throw all the ideas in a melting pot and let's see what we can come out with this thing and let's look at it, the broad spectrum of this how it affects everybody that's going on out here. Mining, I guess is an issue. I don't think it's a lot of areas in Berkeley County that can be mined just cause

the soil and not getting the compaction rate but that's not helping the people where mining can go. I think we all need to look at it real close. I think that Task Force could help it. And if I can get a second on that, we can open it up for discussion."

Chairman Farley stated, "Thank you Mr. Schurlknight."

Committee Member S. Davis stated, "Mr. Chairman, I got a point of order first. I thought we were on Number A and now we done skipped all the way down to Number C."

Chairman Farley stated, "We are going to C after this. All of this is for information. Your motion will need to be made at that time, Mr. Schurlknight. Could you withdraw that?"

Committee Member Schurlknight replied, "I sure can."

Chairman Farley stated, "Everything here that was said earlier is for information only. We will now proceed to Section C on the agenda. We will come back to B."

B. Mr. C. Maurice Snook, Re: Request for extension 2009 Assessment on TMS #170-00-00-004.

Mr. Snook stated, "My name is Maurice Snook. I live at 6237 Rudder Lane in Awendaw, South Carolina. My situation is pretty simple. I bought some land. I've bought homes before, but I bought some land a couple of years ago. I didn't go to the closing, but I received a bill this spring that showed that I owed taxes on the land, which I expected. I didn't get the bill in a timely way. It went to another address. It didn't go to my address. It went to the address of the real estate firm. So that delayed the receipt of the bill. When I got it, it was the second bill, not the first one. So it was even more delayed. The first bill, I guess, had just gotten lost in the mail or lost at the real estate firm. When the second bill finally got to me, I called here and found out that the taxes were really that high. The closing documents showed them to be pretty modest. I talked a few minutes to the staff here and they were very polite. It was all I could do to restrain my lack of enthusiasm for the bill that I had gotten. I put off doing anything about it until about a month or so ago. I came up here at that time and talked to and understood that just because you buy land that is forested and you have to apply like a house that you live in. I think that I got the current year's tax bill squared away. I need to go back in time. My request is to simply ask yall if you can go back in time and allow for the lower rate that forested land is taxed at. I haven't done anything to the land. It's just in the same condition as it was when I bought it except that the trees are taller."

Committee Member S. Davis stated, "My concern, Mr. Snook, is did you get with the real estate agent that helped you purchase this property? You said that your bill went to the real estate agent."

Mr. Snook replied, "It went to that firm. Somewhere in that firm, I'm sure."

Committee Member S. Davis inquired, "That is the firm you used to purchase the property?"

Mr. Snook replied, "Yes sir."

Committee Member S. Davis stated, "And when you shared that with them, what did they have to say about it?"

Mr. Snook replied, "There wasn't a whole lot to say except that they couldn't give me an explanation as to what happened to the first bill. They merely handed me the second one which is what I finally called about."

Committee Member S. Davis stated, "You don't think that the real estate agency has some responsibility if they are selling things to be knowledgeable about tax assessment on properties and advise you accordingly as you being the purchaser?"

Mr. Snook stated, "I agree. I think there is some of that. I have to take some responsibility too. I know that when you buy property you are going to pay taxes. In the hurry of life, I didn't pay attention that I hadn't got a bill, much less that it would be so large."

Committee Member Call stated, "This sounds real familiar like something that came before us several months ago where a couple was here and they just didn't get the tax bill. They seemed to be on the up and up and very honest people which is what I think we have before us today with Mr. Snook. I would move that we grant him the relief that he is asking."

Committee Member Callanan stated, "I'm having a little hard time finding out what we are actually.....what's being asked right now. Are we asking for an extension? Are we asking to somehow lower a tax bill to a previous level?"

Mr. Snook replied, "It's to lower the tax bill."

Chairman Farley stated, "From what I understand, the law does not allow the County to go backwards on the agricultural rate."

Committee Member Callanan inquired, "I just want to have the assessor explain this to me so I can understand what exactly I'm voting on."

Mr. Wilson Baggett, County Assessor, stated, "Your paperwork actually says 2009. It should read 2008. He's current on the 2009. He's within his application rights for 2009. The first penalty date is the deadline for agricultural application for that tax year. By making application after January 15, 2008, he was late in trying to get the agricultural rate. Let me give you the history on this property. He purchased in 2007. By the deed and what he's stating is true. There was actually two addresses on the deed. One to the real estate company and one to the address that we actually have it going to now. So we chose the one that was listed first. In 2008, we mailed the notice to the wrong address. We sent the tax bill to the

wrong address. In 2009, he received his late notices. I guess they finally caught up with him. Now, he is requesting for you to extend his application rights for 2008 which I cannot do. You have had several cases before you requesting this.”

Committee Member Callanan inquired, “What happened? It was rezoned from agricultural to something else?”

Mr. Baggett stated, “Anytime a property transfers, even your home. If you were to sell your home, the new owner would have to make application. We can’t assume that someone wants ag use because there are some penalties attached to ag use. So we have to actually have an application signed by the owner requesting so many acres of timber or cropland. The owner has to make application with us by a deadline. It didn’t happen in this case. In Mr. Snook’s case, he didn’t get the application or didn’t get the notice to make application. I will have to refer you to the Attorney General’s opinion found in 12 43 220 which states on page 812, upper left, item number two in the first paragraph says ‘The date for making application for agricultural use assessment may not be extended by the County generally or to any class of owners asserting lack of notice’. That’s really been my stance for the prior three cases. Council has found otherwise. That’s all I can do is to assert what I have to apply to all the other properties in the county. That is my stance tonight.”

Committee Member Call stated, “I received something from you in an email this week that pertains to this about going back on agricultural property. We probably need to find out if we can do that. I think I need to withdraw my motion. We will discuss that and see if we can actually do what I proposed.”

Committee Member S. Davis stated, “I move that we table it in committee for 30 days.”

Chairman Farley inquired, “Can we research this in 30 days Mr. Baggett?”

Mr. Baggett responded, “You are going to get the same answer. I have no authority to extend. You have the right to extend if you feel the gentleman has a legitimate right to be extended, but the Attorney General’s opinion really stands on its’ own.”

Chairman Farley stated, “I agree with you. I think that if we would have had this law in front of us when the lady came about two months ago with the horse, that she wouldn’t have been granted that.”

Committee Member S. Davis stated, “We did have that, we had the law. The issue we had in that case was because the lady never opened her mail. In this situation, what I’m kinda concerned about, it went to the real estate agency that he selected and I think the real estate agency owes him this money so some degree.”

Ms. Nicole Ewing, County Attorney, stated, “Just to clarify, I don’t have the statute right in front of me but it is the same statute that you all had considered previously which does

allow Council to extend the deadline if they are satisfied that there's sufficient reason to do so. So you have the authority to do so. It just depends whether or not the facts meet your burden of proof, so to speak, to extend the deadline."

Committee Member Callanan stated, "I think it is important to notice it's not the court making that determination. It is the Attorney General's opinion, which is just that, an opinion. If the law itself states we have the authority to do it, then I think we have the authority to do it."

Ms. Ewing stated, "I think the Attorney General's opinion is one thing that you can consider but it does not necessarily have to be determinative in this particular case."

Committee Member Fish stated, "One of my concerns here is in the last case, it was a matter of months or days. This one is a year old. I'm a little concerned it took a year to discover that it should have been done. That is my concern. The last one before was a bad address. It was only a matter of months when she discovered. This is a year later."

Committee Member Schurlknight stated, "I think the last one, if my memory serves me correct, she had moved without forwarding her mail."

Committee Member Call stated, "I move to grant him the relief he is asking. That is the request for the extension for the 2008 extension. I so move."

Committee Member Callanan stated, "I'll second it."

Committee Member S. Davis stated, "I had a motion to hold in committee for 30 days."

Ms. Ewing stated, "It died for a lack of a second."

Committee Member S. Davis stated, "I don't know if it died. The discussion was still going on."

Chairman Farley stated, "Mr. Davis has a motion on the floor to extend this for 30 days. Do we have a second?"

No response.

Chairman Farley stated, "The motion dies for lack of a second. Now the motion is made by Mr. Call. Would you restate the motion?"

Committee Member Call moved to grant Mr. Snook the relief requested for **extension of 2008 assessment on TMS #170-00-00-004.**

Committee Member Callanan stated, "I second."

Committee Member Pinckney inquired, "Mr. Snook, 2008 passed. Although you did not receive a tax bill, did you not realize that you still had responsibility to pay a bill?"

Mr. Snook replied, "I have to take responsibility that I didn't give it a whole lot of thought."

Committee Member Pinckney stated, "My take on that is that I've got this piece of property and I know that I've got to pay tax on it. Hey, what happened to my tax bill? Why didn't you call Mr. Baggett? I've got some problems with that. Although as he stated, that he sent it to the realtors' office, I mean, that still did not relinquish your ownership with a piece of property. I do have some problems with it. I just wanted to make sure that you realize that was your responsibility."

Chairman Farley stated, "Mr. Baggett, it was sold on 9-12-07 for \$4,468.26 to FLC."

Mr. Baggett responded, "FLC is the Forfeited Land Commission. It is controlled by Janet Jurosko, Cindy Fort, Carolyn Umphlett. They form the committee that purchases land that was not bid on at the Land Sale. If Council so desires to extend the extension to Mr. Snook, I believe we would be able to allow Mr. Snook to apply and be prepared to pay the taxes the day the correction is made. But that would have to be approved by FLC. I've not yet approached them. I'm sure we could make accommodations. He is still the owner of the property. He has redeem rights for one year and one day."

Chairman Farley stated, "That was sold on 09-12-07 correct?"

Mr. Baggett stated, "No sir. It was sold 12 of 09 for delinquent taxes."

Ms. Virginia Hamilton, Delinquent Tax Collector, stated, "That property was actually sold in December 7th to FLC. And of course, once you make the decision that you are going to allow him to apply for 4%, therefore I would have to void the sale and allow him to pay the tax at the lower tax rate."

Committee Member Callanan stated, "That happens when you have that one year right to....."

Ms. Hamilton stated, "Actually, that one year after the property was sold. But if you tell us we need to void the sale based on your decision tonight, then we have to void the sale. Mr. Baggett's office would have to change the assessment and then he would pay the lower tax rate."

Committee Member Callanan inquired, "When did it go to the tax sale?"

Ms. Hamilton responded, "December 7, 2009"

Committee Member Callanan stated, "Let's say he didn't want to do the ag thing and just wanted to pay the back taxes and get his property back. He would have one year to so."

Ms. Ewing stated, "There is a procedure for voiding a tax sale which makes it as if the tax sale never happened and then there is the redemption period. If we were Council were to allow him to extend, we would treat it like the property should not have been sold at the tax sale, therefore it's a voiding issue as opposed to a redemption issue."

Committee Member Callanan inquired, "What is the dollar amount we are talking about?"

Chairman Farley responded, "\$4,468"

Committee Member Callanan stated, "No, the difference in taxes."

Ms. Hamilton responded, "The 2009 bill is only \$118 at agricultural use. The 2008 taxes are \$4,350.12."

Committee Member Fish stated, "You are saying, that if we void this, then you would lose the sale?"

Ms. Hamilton stated, "No, the redemption period doesn't expire until one year. He has one year and a day if he does not pay the taxes before he actually loses the property. If your decision is to allow him to apply for ag use, I would have to void the sale. Mr. Baggett would make the adjustment to the assessment. Therefore he would pay the new tax amount."

Ms. Ewing stated, "The sale that is voided, Mr. Fish, is the sale to the Forfeited Land Commission. Then Mr. Snook retains his property."

Committee Member Callanan stated, "I think the issue here is that we did have the correct address. We just have some policy where we only do the top one."

Mr. Baggett responded, "It is very unique. Typically it will list the address twice. In this case, it had one address at the beginning and a different address at the end. We just chose the first address on the deed."

Committee Member Callanan stated, "That is why I am sympathetic to this situation."

Committee Member S. Davis stated, "The real estate agency is the one that prepared the deed. So if there was any error, it was their error. It was a real estate attorney, not a trial lawyer."

MAIN MOTION - RESTATED

It was moved by Committee Member Call and seconded by Committee Member Callanan to approve the extension of the 2008 Assessment on TMS #170-00-00-004. The motion

passed by majority voice vote of the Committee. Committee Members Pinckney and Schurlknight voted "Nay".

C. Consideration prior to **First Reading** of an **ordinance** to amend and clarify certain sections of **Ordinance No. 01-8-35**, adopted August 27, 2001, Zoning and Development Standards Ordinance, "**Berkeley County Zoning Ordinance**" and amending Ordinances Numbered 02-08-33, 02-12-58, 04-11-68, 05-03-08, 05-08-58, 06-09-63, 06-12-92, and 07-07-43, in regard to the proposed creation of a special exception for mining in the Flex-1 Zoning District, establishing additional requirements for conditional uses in the Heavy Industrial (HI) Zoning District, and other matters relating thereto.

Mr. Greenway stated, "My comments will be brief this evening. I just wanted to say two things about from a staff perspective on why we feel that this mining amendment is necessary. Currently, about 4% of the property in Berkeley County is zoned Heavy Industrial and Light Industrial. Heavy Industrial is the only zoning district that allows for mining to occur in Berkeley County under the current regulations. Given the fact from a Planning standpoint that those heavy industrial and light industrial sites are typically reserved long term for your employment campuses and for your industrial development to help balance your tax base to pay for future growth from a residential standpoint. From a Planning perspective, I feel that it would be inappropriate to take such a small percentage of your overall zoning inventory and remove portions of that land from that inventory to allow people to dig holes on that property to build subdivisions and things like that and other development to subsidize other development in the county. So, we have to come up with something and some other mechanism to allow in my opinion, mining to occur in the other zoning districts. I thought that I had done that with this particular amendment. The amendment is aggressive in some areas, I'll give you that. It requires a public hearing in all cases. It sets distance requirements from houses and things like that. The amendment was done with the mindset that we were going from a staff perspective tried to address the concerns raised by the community and the citizens of the county through previous meetings and information that we had heard. As you can see this evening, what I have managed to do in that process is make neither the citizens nor the mining industry happy. So, I take some success in the fact that neither side is happy with what I have done. Having said that, the Planning Commission and I share in this recommendation, have decided to take a step back and basically say and recommend that a Task Force be appointed as Mr. Schurlknight stated earlier and this amendment be held in Committee for up to one year to give that Task Force an opportunity to do its' work to bring an amendment that is fair and balanced back before you all for your consideration in the future."

Committee Member S. Davis stated, "Eric, you told it correct. I thought we were going to proper course one time because you had involved me in the process and now I'm somewhat lost myself, but we changed the process which has been described by some County Council members as knee jerk. I don't think it was a knee jerk decision. I hope this Council don't make knee jerk decisions. We made a decision because we wanted to address the borrow pit issues that DHEC said we could not address. Only by our zoning process."

Mr. Greenway replied, "That is correct. Our borrow pit definition in the zoning ordinance was too broad to fit the use of a borrow pit. It essentially allowed mining by default in the Flex-1 zoning district the way it was worded in the zoning code. So in the spring we voted to remove that definition from the use table and now borrow pits are still out in Flex-1 zoning districts but they have to meet the state definition which means that that dirt has to go strictly for highway road projects or improvements or maintenance."

Committee Member S. Davis stated, "And that is the most strictest standard and would that have assisted or aided the Green Bay community in what they are confronted with right now as we speak."

Mr. Greenway replied, "There is some debate on that. We at the staff level in my opinion and interpretation of the zoning code, I do not think that since a mining permit has been issued for the Green Bay situation that that would be a permitted use underneath the current zoning regulations."

Committee Member S. Davis inquired, "The Flex-1 alteration we want to make now is to create an exception. We had talked about a five acre pond, but that did not include the inclusion of the borrow pit situation again, did it not?"

Mr. Greenway replied, "As we started this mining amendment process it became evident that we were dealing with three very unique situations that one ordinance could not cover all of those things and those on your screen in front of you. First of all, we've got the mining amendment that deals with what we are going to do with private ponds. This particular pond here is a private pond that was built. This particular pond was constructed down at the corner of United Drive and Hoover Road. Essentially this was a mining operation. It's probably about two acres. So we got the private pond issue. Do we want to get into regulating people building private ponds on private land?"

Committee Member S. Davis stated, "We had talked about that, about limiting to five acre ponds."

Mr. Greenway stated, "That is one option. In order to do that, I would have to go in and do a comprehensive rewrite of the zoning code because each individual zoning district would have to deal with the construction of private ponds. If you are going to allow somebody to live there and they want to build a pond, then each zoning district is going to have standards in that zoning district to deal with private ponds and set the standards for that construction. Then, you deal with the zero to five acre mining issue. This is a pond that was built in the Keystone neighborhood in the same area. It was built underneath a mining permit. It is basically a pond. There is going to be houses constructed around this pond in the future. Matter of fact, there is a sign on the property that says waterfront lots available for sale. And then you have the greater than five acre issue which would be the Green Bay road situation and the Sewee Preserve situation that you see here and the Clements Ferry Road situation. It would be those sites that would need a, based on the Planning Commissions' perspective and my perspective now, that

will need a lot more review process and a thorough permitting process and local zoning process than we currently would have underneath this amendment.”

Committee Member S. Davis inquired, “How would that intertwine with the State definition of a borrow pit? If he can come and have the O.L. Thompson exception, no front to you Mr. Thompson, but you the big player in this. How does that intertwine with the borrow pit scenario from DHEC and the State level?”

Mr. Greenway replied, “Again, DHEC is not permitted the Green Bay situation as a borrow pit. It’s been permitted by DHEC as a mine. That is what it is, a mine. It was a borrow pit underneath the old definition in the zoning code, but it is not any longer because that definition has been removed.”

Committee Member S. Davis inquired, “So DHEC would be involved at all of these O.L. Thompson exception so we want to be put under Flex-1.”

Mr. Greenway replied, “DHEC would be involved only to the extent that the information that DHEC requires, the same information that we require, then all they would have to do if they do something for DHEC, then all they have to do is provide the same information that they provided DHEC.”

Committee Member S. Davis stated, “Which is the same thing that the community argued in this case about the traffic on the roads, the well disruption, water level and if DHEC concluded, like the letter I have in my files saying they granted him permission, then the County wouldn’t have no voice in that whatsoever again.”

Mr. Greenway replied, “They’re not saying that the County doesn’t have a voice in the process. What they will tell you at the DHEC Community Hearings that they hold is that there is nothing they can do from a local zoning standpoint that the local zoning ordinance has to decide whether the proposed use is allowed on that property in accordance with the zoning regulations.”

Committee Member S. Davis stated, “In relationship to the knee jerk description that has been alluded to earlier, then we created a situation previously to prevent the O.L. Thompson exception.”

Mr. Greenway replied, “Well, I won’t go so far as to say that this evening cause that is something I’m still having to evaluate with our legal counsel on things at this point as to how that amendment affects the Green Bay community.”

Committee Member S. Davis stated, “I don’t mean specifically his situation. That was in play earlier so we can’t pass a law to specifically address that. But I’m talking perspective. When we went back....”

Mr. Greenway stated, “Anybody that wants to do mining in Flex-1 or a borrow pit in Flex-1 now has to meet the State definition for a borrow pit. And that means that that dirt can

only go for a State highway improvement project, maintenance, something like that. Anyone coming in now wanting to do a mine in Lebanon on a Flex-1 piece of property where they are going to sell the dirt and that dirt is going to construct buildings and things like that, that's not allowed in the Comprehensive Plan."

Committee Member S. Davis stated, "The message from here is that the communities out in the Flex-1 area, like Lebanon, they need to be very supportive of the Green Bay community because it's going to be in their backyard next year."

Mr. Greenway stated, "I think the Planning Commission Chairman and before he comes up, I just wanted to let the Council know I'm very proud of that group that I work with on the Planning Commission side of the equation with the Comp Plan and the insight that they provide on things like this. They have done a very thorough job."

Committee Member S. Davis stated, "Eric, I want to commend you because you really had your heart in the right spot and tried to promote this."

Chairman Farley stated, "Mr. Southard, you have three minutes."

Mr. Southard stated, "I don't know if I can follow all of that or not. I'm Eddie Southard, Chairman of the Planning Commission. Obviously this is a very controversial issue. I agree with some things Eric says and some things I disagree with what he is saying. I distinctly disagree with what Mr. Thompson said. I thought this tonight was about the proposed zoning, not about the Green Bay community. We can't address the issue here. Tonight was supposed to be about the proposal that staff had made to the Planning Commission. We have been working on this about three or four months now. And obviously, we could not come to an agreement. And I think there are some members here tonight in the Planning Commission. We couldn't come to an agreement, so we had nothing to offer to yall except what Mr. Greenway said was to come up with this Task Force. Mr. Farley was at most of our meetings and we appreciate him being there. I'm just kinda going to tell you where we were with the Planning Commission on why we couldn't with an agreement. We felt like some of the information in the ordinance was duplicating what the State already requires through the permitting process. And if anybody that is interested, I've got the State Mining, by the way, the State DHEC does not issue a borrow pit permit. The State issues a mining permit, so there is a lot of misunderstanding about borrow pits and mining permits. The State doesn't issue borrow pit permits. It issues a mining permit. A lot of the regulations and requirements in that permit and I've got copies of all of it and by the way, I'm talking from experience because I've had the permit. I went through the process of getting the permit. I got all of the regulations they require. All the inspections they require. I've got the definition, the State's definition of mining and a borrow pit and I also got DOT's definition of a borrow pit versus mining. So if anybody wants any of that information, we can do it after the meeting. We felt like it was repetitious what the Planning Director was purposing to us to send on to yall was repetitious and the fact that a lot of it was already being required by DHEC and the Mining Commission. We didn't feel like it was any need and making it any more encumbersome on anybody that it needed to be. Like I said, I've got these requirements. I've got some inspection reports here that DHEC performed on my own site. The biggest issue that

the members of the Planning Commission had with the proposed ordinance was the traffic. That was the biggest concern. And I believe the people that spoke tonight, that was probably their biggest concern. The additional traffic on the roads and would the roads support the additional traffic and if there was a problem with the roads, who was going to be responsible for repairing them or maintaining them. We tried to address that and it is in the proposal but, that was the biggest disagreement that the Planning Commission had with what was going to be proposed to yall. On the Task Force, I think probably one year is too long. I was talking with Mr. Schurlknight and Mr. Farley before the meeting. I would hope that we wouldn't carry, if this is approved by yall, I would hope that it wouldn't take a year to come up with some kind of recommendation."

Chairman Farley stated, "You can do it in two months or 3 months. That would be fantastic."

Mr. Southard stated, "The last thing I want to be is a part of whatever we come up with, whatever recommendation is some kind of goal. It takes a long time to come up with something for yall. I got the State definition. I got DOT's definition. The requirements for the Mining Commission from DHEC and a lot of other information if anybody is interested. I will try to answer any questions that you might have."

Committee Member Schurlknight stated, "Mr. Chairman, I will restate my motion giving the Planning Commission Chairman the authority to form a nine-member Task Force. Three of the members being from the Planning Commission. Three members from concerned citizens and three from the mining industry."

Committee Member Callanan stated, "The question I have is, I don't know whether these can be addressed or not, as someone who has received over the years, several phone calls about the mine on Clements Ferry Road which affects a lot of members in my district. Is the scope of this, one of the concerns that I have and I will go both sides. I'm absolutely sympathetic to a property owner who buys something under a current zoning standard and gets down zoned and then is left with a worthless piece of property. The concerns I have which I don't know can be addressed in a zoning application committee or not, is first and foremost, Mr. Thompson gave a different example. He actually bases part of his company here in Berkeley County, so he does pay property taxes on most of his vehicles. But if it was another entity who did not, who based in another region like Charleston County. While those mining pits are essential very active and they obviously result in wear and tear on roads and destruction of communities, what have you. There are still assessed as an agricultural grade. My check on that Clements Ferry Road one was that I was shocked to learn today, I called Wilson about it, that its' assessed value was \$25,000 and something like for that entire 116 for the amount of trucks that go in there, they are paying \$1,000 in taxes or something like that for a year. I don't know whether that can be addressed or not because if Mr. Thompson was not paying taxes on his vehicles and it was another company, we could have a situation where it's an out of county that does uses an enormous amount of our resources but we get very little if not anything to compensate us. I don't whether that's a State issue that may have to be addressed or not but it certainly something I would like to see that looked into. But, like I said, in this particular case, and I also want to make this point, it was my

understanding and I'm trying to get the tapes of this meeting because I recall somewhere back in 2007, the previous Planning Administrator when he first came up with the concept of addressing this borrow pit versus mining operation issue, the Green Bay issue was front and center at that time. I distinctly remember him saying that what we address now unfortunately won't be able to affect this situation but it will effect situations in the future. I'm doing the research on that to actually find that. I've actually found a couple of articles that actually quote the same thing, but I actually want to find in the record."

Committee Member S. Davis stated, "Tim, I want to commend you because that reflects the decision was not a knee jerk decision at all. Also, I would hope that Jack you would amend your 3-3-3 setup for this Planning Commission. I think that Mr. Eric Greenway, who has some knowledge should be one of the members on this nine member committee."

Committee Member Callanan stated, "He can sit ex officio, could he not?"

Mr. Greenway stated, "I plan, if it's ok with you all, I plan to facilitate the meetings and make sure everybody stays on track. If I need to put on the zebra stripes and referee it, I will."

Committee Member Schurlknight, "Eric, one more thing too. I can put in the motion if any Council Members want to come and observe or whatever would be more than welcome."

Chairman Farley inquired, "We will be notified of the time and place of the meetings?"

Mr. Greenway responded, "Yes."

Committee Member Pinckney, "I would like to make one comment in regards to that. I know initially we talked about giving it a year's period and we came back and said we hope that we can do in a more expeditious manner. I'm kinda, sorta with that but at the same time, because of what's involved here, I don't want us to just run through it for the sake of time. I want to make sure that we have all of our I's dotted and T's crossed because of the fact that regardless of which way it goes, it's going to have affect on somebody and we definitely want to make sure that we take the time that's needed to come up with the right resolution. I just wanted to go record as saying that because I too live in the rural unincorporated area of Berkeley County and Flex-1. Most of my constituents are so I want to make sure that we don't rush through the process."

Mr. Greenway stated, "Let me elaborate on that year time frame a little bit. I think that may have been my fault for even bringing that up. Basically, it is my understanding that you all in your committees have the option to hold an item in committee up to a year and then after that it expires. If we have to do that and we need to take longer than that, which I don't think we will need to take longer than that. We are going to take our time. We are going to do it right. That's the purpose of the Task Force. We are trying to find a balance amendment that benefits Berkeley County and also protects the citizens of Berkeley County. That's why I am going into it and that is what I plan to come out of it with."

Mr. Southard stated, "Mr. Chairman, I also want to add, there is 358,000 acres of Flex-1 in Berkeley County, which is 46% of the county acreage. I would be safe to say that probably less than 1% of that would be satisfactory for mining. Unfortunately, the Green Bay area is a good site. The Long Ridge, Lebanon area is a good site. The rest of the county is not satisfactory for any kind of mining operation. I'm just adding that for information only. The vast majority of the county is not satisfactory."

It was moved by Committee Member Schurlknight and seconded by Committee Member Call to grant the Planning Commission Chairman the authority to form a nine-member Task Force. Three of the members being from the Planning Commission. Three members from concerned citizens and three from the mining industry. The motion passed by unanimous voice vote of the Committee.

D. Review prior to Second Reading of the following:

1. Bill No. 09-51, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Artamus Nichols** for Nicholas Equipment, 2192 Highway 52, Moncks Corner **TMS #181-00-02-055, - 056** (3.33 acres), **from GC, General Commercial District to LI, Light Industrial District.** Council District No. 8.

It was moved by Committee Member S. Davis and seconded by Committee Member Schurlknight to **approve** prior to **Second Reading, Bill No. 09-51.** The motion passed by unanimous voice vote of the Committee.

E. Review prior to Third Reading of the following:

1. Bill No. 09-45, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **John & Miriam Mitchum** located 2,000 +/- L.F. from the intersection of N. Highway 52 and 17A on North Highway 17A, Moncks Corner, **TMS #123-00-02-030** (3.0 acres), **from GC, General Commercial District to F-1, Agricultural District.** Council District No. 8.

It was moved by Committee Member S. Davis and seconded by Committee Member Schurlknight to **approve** prior to **Third Reading, Bill No. 09-45.** The motion passed by unanimous voice vote of the Committee.

2. Bill No. 09-46, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Caroline Gethers** for Heirs of Caroline Gethers, 307 N. Live Oak Drive, Moncks Corner, **TMS #142-04-02-048** (1.65 acres) **from GC, General Commercial District to F-1, Agricultural District.** Council District No. 8.

It was moved by Committee Member S. Davis and seconded by Committee Member Callanan to **approve** prior to **Third Reading, Bill No. 09-46.** The motion passed by unanimous voice vote of the Committee.

3. **Bill No. 09-47**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Norman Sanders** for First Citizens Bank & Trust Co, Inc., 909 Black Oak Road, Bonneau, Portion of **TMS #068-04-03-021** (0.1864 acre) **from R-2, Manufactured Residential District to GC, General Commercial District**. Council District No. 6.

It was moved by Committee Member Schurlknight and seconded by Committee Member S. Davis to **approve** prior to **Third Reading, Bill No. 09-47**. The motion passed by unanimous voice vote of the Committee.

It was moved by Committee Member S. Davis and seconded by Committee Member Fish to **adjourn** the Committee on Land Use meeting. The motion passed by unanimous voice vote of the Committee.

The meeting ended at 9:11 pm.

January 11, 2010
Date Approved

COMMITTEE ON LAND USE
(Standing Committee of Berkeley County Council)

Chairman: Mr. Phillip Farley, District No. 1

Members: Mr. Timothy J. Callanan, District No. 2
Mr. Robert O. Call, Jr., District No. 3
Mrs. Cathy S. Davis, District No. 4
Mr. Dennis Fish, District No. 5
Mr. Jack H. Schurlknight, District No. 6
Mr. Caldwell Pinckney, Jr., District No. 7
Mr. Steve C. Davis, District No. 8
Mr. Daniel W. Davis, Supervisor, ex officio

A **meeting** of the **COMMITTEE ON LAND USE**, Standing Committee of Berkeley County Council, will be held on **Monday December 14, 2009**, following the meetings of the Committees on Community Services, Public Works and Purchasing, Water and Sanitation, Planning and Development and Justice and Public Safety at **6:00 p.m.**, in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

AGENDA

APPROVAL OF MINUTES

November 09, 2009
November 23, 2009

- A. Ms. Mary Ann Luttrell**, Re: Mining operations within the Green Bay Community.
- B. Mr. C. Maurice Snook**, Re: Request for extension 2009 Assessment on **TMS #170-00-00-004**.
- C. Consideration** prior to **First Reading** of an **ordinance** to amend and clarify certain sections of **Ordinance No. 01-8-35**, adopted August 27, 2001, Zoning and Development Standards Ordinance, "**Berkeley County Zoning Ordinance**" and amending Ordinances Numbered 02-08-33, 02-12-58, 04-11-68, 05-03-08, 05-08-58, 06-09-63, 06-12-92, and 07-07-43, in regard to the proposed creation of a special exception for mining in the Flex-1 Zoning District, establishing additional requirements for conditional uses in the Heavy Industrial (HI) Zoning District, and other matters relating thereto.
- D. Review** prior to **Second Reading** of the following:
- 1. Bill No. 09-51**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Artamus Nichols** for Nicholas Equipment, 2192 Highway 52, Moncks Corner **TMS #181-00-02-055, - 056** (3.33 acres), **from GC, General Commercial District to LI, Light Industrial District**. Council District No. 8.

E. Review prior to Third Reading of the following:

- 1. Bill No. 09-45, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: John & Miriam Mitchum located 2,000 +/- L.F. from the intersection of N. Highway 52 and 17A on North Highway 17A, Moncks Corner, TMS #123-00-02-030 (3.0 acres), from GC, General Commercial District to F-1, Agricultural District. Council District No. 8.**
- 2. Bill No. 09-46, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Caroline Gethers for Heirs of Caroline Gethers, 307 N. Live Oak Drive, Moncks Corner, TMS #142-04-02-048 (1.65 acres) from GC, General Commercial District to F-1, Agricultural District. Council District No. 8.**
- 3. Bill No. 09-47, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Norman Sanders for First Citizens Bank & Trust Co, Inc., 909 Black Oak Road, Bonneau, Portion of TMS #068-04-03-021 (0.1864 acre) from R-2, Manufactured Residential District to GC, General Commercial District. Council District No. 6.**

December 9, 2009
S/Barbara B. Austin, CCC
Clerk of County Council